

**PUBLIC MEETING  
JANUARY 3, 2012  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, January 3, 2012, at 9 a.m. in Commission Chambers Room 330, 316 North Park Avenue, Helena, Montana.

Chairman Derek Brown called the meeting to order at 9 a.m.

Commissioners Mike Murray and Andy Hunthausen were present. Others attending all or a portion of the meeting included Nancy Everson, Kelly Blake, Lindsay Morgan, Jim Wilbur, Carrie Severson, Mark Simonich, Tom Naegele, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Board of County Commission Chair & Vice-Chair Designations for Calendar Year 2012. Commissioner Murray moved to elect Commissioner Hunthausen as Chair for calendar year 2012. Commissioner Murray was nominated as Vice-Chair. Commissioner Hunthausen seconded the motion. The motion carried 3-0. Commissioner Hunthausen was on crutches so the Chair position will change at the end of the meeting.

Consent Action Items. (Eric Bryson)

- a. Amendment No. 1 to Internship Agreement Between Lewis & Clark County Water Quality Protection District and Carroll College Dated April 19, 2011, Extending the Contract Period to Febr. 28, 2012. (Jim Wilbur)
- b. Resolution 2012-2 to Establish Regular Meeting Dates of the Lewis and Clark County Commission and to Describe Procedures for Public Participation. (Eric Bryson)
- c. Resolution 2012-3 Establishing Hours of Operation for All Lewis and Clark County Offices. (Eric Bryson)

Nancy Everson reported on the consent action items and recommended approval.

No public comment was received.

Commissioner Hunthausen moved approval of the consent action items and authorized the Chair to sign. Commissioner Murray seconded the motion. The motion carried 3-0.

Public Hearing on Presentation of Petition. Proposed Resolution Calling for an Election and Establishing the Election Date on the Question of Incorporation of a County Water and Sewer District for an Area East of the City of East Helena and to Elect the Board of Directors of Such District. (Planner: Carrie A. Severson)

Carrie Severson reported that the proposed district is located south of old Highway 12, and north of East US Highway 12 along the right-of-way. Background information was

discussed relating to the failed creation of the district in 2010. The City of East Helena agreed to creation of this district. The district would place the improvements in the ground and the city would maintain it. The petition was determined to be sufficient. The petition was signed by at least 10 percent of the registered voters of the territory included within the proposed district. There are approximately 26 mixed-use properties. The petitioners want to start with a sewer system at this time. All of the properties within the boundaries would be served by this infrastructure. Some folks in this area approached Eastgate to come onto their system for future needs and unfortunately, Eastgate did not have the capacity to accept the request. Staff requested that the commission hold a combined election to be held May 11, 2012, which would provide time for the nomination of petitions for the people who wish to be considered on the Board of Directors for this district. The funding mechanism gets chosen by the Board of Directors and so they would work with the folks who own the cemetery to see if there is interest and decide on the best assessment method. The county was able to acquire a grant to look at creating the sewer line down Clark Street and review the costs with the engineers.

No public comment was received. The public comment period was closed.

Commissioner Murray moved approval of the resolution and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Final Plat - Amended Plat of Lot 4A2 - Moore Court Subdivision. (Applicants: Tom Naegele and Judy DesJarlais) (Planner: Lindsay A. Morgan) The Applicants have submitted an application for final plat approval of the Subdivision to remove a "no access" restriction along the western property boundary of Lot 4A2 and Covenant No. 6 for the Amended Plat of Lot 4A – Moore Court Subdivision. The property can be legally described as lying in the NE¼ of Section 19, T10N, R2W, P.M.M., Lewis and Clark County, Montana.

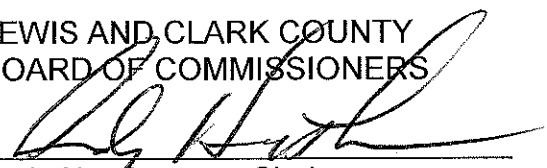
Lindsay Morgan presented the staff report. Preliminary Plat approval for this subdivision was granted on December 13, 2011. Both conditions of approval have been met. Staff has recommended that the Commission grant final approval to this subdivision. The two conditions were (1) that applicant provide another plat showing removal of the "no-access" restriction; and (2) that he and his wife, and the adjacent property owners that are subject to the covenant that talks about the "no-access" restriction do an amendment to the covenants. The amended restrictive covenants have been signed and would be filed with the final plat.

Commissioner Hunthausen moved approval of the final plat as presented and authorized the Chair to sign. Commissioner Murray seconded the motion. The motion carried 3-0.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 9:17 a.m.

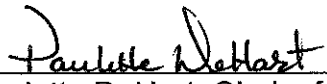
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Andy Hunthausen, Chairman

  
\_\_\_\_\_  
Michael A. Murray

  
\_\_\_\_\_  
Derek Brown

ATTEST:

  
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Paulette DeHart, Clerk of the Board